IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.778 OF 2006
IN
FIRST APPEAL NO.282 OF 2006

The New India Assurance Co.Ltd. .. Applicant
v/s.
Dr.Shridhar Shripad Karandikar and others .. Respondents.

Mr.A.S.Vidyarthi with Mr.S.S.Vidyarthi i/by Mr.S.M.Vidyarthi for the applicant.

Mr.M.G.Barve for the respondent Nos.1 and 2.

ALONGWITH

CIVIL APPLICATION NO.2355 OF 2006
IN
FIRST APPEAL NO.282 OF 2006

Dr.Shridhar Shripad Karandikar and another.. Applicants
v/s.
Shri Mahadeo D. Dabade and another .. Respondents

Mr.M.G.Barve for the applicants.

Mr.A.S.Vidyarthi with Mr.S.S.Vidyarthi i/by Mr.S.M.Vidyarthi for the respondent No.2.

CORAM : R.M. LODHA &
A.S.BAGGA, JJ.

DATED : 12TH JUNE, 2006.

P.C.

Both these applications are being disposed of by this common order.

2. After having heard the counsel for the insurer-appellant and

the counsel for the claimants and keeping in view all the relevant facts and circumstances of the case, we are satisfied that the following order shall meet the ends of justice:-

(i) The claimants are permitted to withdraw the amount deposited by the insurer-appellant on their furnishing solvent surety or security to the satisfaction of the Motor Accident Claims Tribunal, Sangli.

(ii) In the event of the appeal being allowed wholly or partially, the claimants shall restitute the excess amount to the insurer-appellant with simple interest at the rate of 6% per annum from the date of withdrawal until the date of refund.

(iii) In case the claimants do not withdraw the amount by furnishing solvent surety or security as permitted above, the Motor Accident Claims Tribunal, Sangli shall invest the said amount in the fixed deposit of any nationalised bank initially for a period of two years renewable thereafter each time for the same period until the disposal of the appeal.

Order accordingly.

(R.M.LODHA, J.)

(A.S.BAGGA, J.)